



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,728	03/13/2001	Kannan Srinivasan	696.005	2029

35195 7590 01/12/2005

FERENCE & ASSOCIATES
400 BROAD STREET
PITTSBURGH, PA 15143

EXAMINER


RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/804,728	SRINIVASAN ET AL. 	
	Examiner	Art Unit	
	Yehdega Retta	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3622

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed October 25, 2004. Applicant amended claims 1 and 6 and added new claims 12 and 13.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 recites the limitation "segmenting the sample population based on a characteristic of the customers sampled". There is insufficient antecedent basis for this limitation in the claim. Neither claim 1 or 2 recite "sample population" or "customers sampled". Applicant is required to amend the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. U.S. Application No. US 2001/0014868, in view of Dahm et al. U.S. Patent No. 6,301,471.

Regarding claims 1, 9-11 and 13, Herz teaches monitoring web-surfer behavior and predicting future surfer behavior and determining a range of offers and providing a promotion to

Art Unit: 3622

the customer based on the customer behavior (see abstract, par. [0004] to [0011], [0023] to [0046]. Herz teaches providing offers based on user profile attributes including elapsed time period since the last purchase (period of time since the last interaction with the web site), elapsed time period between purchases, etc., storing the data in a database (see [0246]). Herz does not explicitly teach specifying a permissible defunct threshold; determining a probability that a customer will become a defunct after a predetermined period of time has occurred, it is taught in Dahm. Dahm teaches monitoring subscribers behavior. A churn likelihood being predicted based on the subscriber behavior information, such as usage behavior and providing an offer the customer for the purpose of retaining the customer (see col. 11 line 55 to col. 12 line 32, col. 13 lines 12-26 and col. 15 lines 25-49). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Dahm's defunct threshold in Herz's customized price and promotion system. One would be motivated to set up a threshold value as taught in Dahm in order to predict a customer who is most likely to churn or discontinue the service, and to provide a proper offer to retain such customers. It would be obvious to use Herz's profile attributes, such as the last interaction of the customer with the web site, and set a threshold value to determine the probability the customer would become a defunct.

Regarding claims 2-5 Herz teaches sampling of customers and segmenting the sample population based on a characteristic of the customers sampled; wherein characteristic is amount spent on a web site, interaction with a web site or purchase made at a web site (see [0205] to [0235]).

Regarding claims 6-8 and 12, Herz teaches selection of the promotion is based on predetermined criteria, such as profit, by optimizing an amount of discount offered in the

Art Unit: 3622

promotion; optimizing performed continuously; wherein the optimization includes sampling responses received from customers to the offer ... the promotion amount provided to other customers based on the promotion discovered in the sample (see [0236] to [0246]).

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

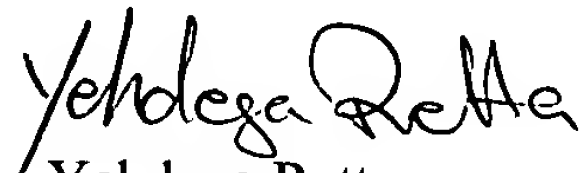
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yehdega Retta
Primary Examiner
Art Unit 3622

YR